

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LUCAS CALIXTO, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
ARMY and MARK ESPER, in his official
Capacity as Secretary, U.S. Department of the
Army,

Defendants.

Civil Action No. 18-1551 (ESH)

DEFENDANTS' STATUS REPORT

In accordance with the Court's August 13, 2018 Order, Defendants respectfully submit the following bi-weekly status report.

1. The Court ordered Defendants to file bi-weekly status reports with any updates regarding the Army's policy with respect to administrative separation procedures applicable to DEP and DTP members, as well as any intention to discharge any DEP or DTP member in accordance with this policy. ECF No. 23.
2. On October 31, 2018, in accordance with the Court's October 17, 2018 Order, Defendants filed a copy of the Army's policy relating to administrative separation procedures applicable to members of the DEP and DTP who receive an unfavorable MSSD.
3. As of the date of this report, no administrative separations have been initiated in accordance with the policy. Former members of the DEP and the DTP who were separated before 20 July 2018 on the basis of an Unfavorable MSSD resulting from a documented

Counterintelligence concern are being offered reinstatement in the DEP/DTP for purposes of receiving the administrative due process described in the October 26, 2018 memorandum.

4. The Army intends to initiate separations of soldiers who receive an unfavorable MSSD after they have been provided notice and an opportunity to submit matters which may refute, correct, explain, extenuate, mitigate or update the unfavorable information. ECF 50-1 at 2.

Dated: December 10, 2018

Respectfully submitted,

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